

Appl. No. 10/582,893  
Amdt. Dated November 9, 2010  
Reply to Office Action of June 8, 2010

**REMARKS/ARGUMENTS.**

**1. Amended Claims.**

Revised claims are submitted, in which claim 1 has been limited such that the “abnormally expressed target” is HER2/epidermal growth factor receptor (EGFR).

**2. Claim Rejections: 35 USC §103(a).**

Claims 1, 6-8 and 11 stand rejected as being obvious over the combination of Mishani (US 6,126,917; newly-cited) and Poss (US 2005/0214221 A1; newly-cited), in further view of Cannizzaro (US 2005/02611253 A1).

The prior art of record does not disclose, teach, or suggest optical imaging agents for imaging lung cancer, which compose vectors for HER2/epidermal growth factor receptor (V), labeled with an optical reporter (R). Revised claim 1 is therefore believed non-obvious.

Claims 6 to 8 and 11 all depend on revised claim 1, and are therefore believed non-obvious for the same reasons.

The obviousness step objection therefore based on Mishani/Poss/Cannizzaro should be withdrawn.

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**CONCLUSION**

Applicant respectfully holds that the claims submitted herewith fulfill the requirements of a patentable invention and that all rejections and objections be withdrawn and claims 1, 6-8, and 11 be allowed.

The Examiner is invited to telephone the undersigned in order to resolve any issues that might arise and to promote the efficient examination of the current application.

Respectfully submitted,

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